



# TOWN OF BERWYN HEIGHTS

## Prince George's County, Maryland

Incorporated in 1896 ~ Sixth Oldest Municipality in PG County

### WORKSESSION MINUTES JULY 1, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Almoguera, Dennison and Kulpa-Eddy. Also present were Town Administrator (TA) Murphy, and Clerk Harper.

#### 1. MAYOR

**Announcements:** None.

**Calendar:** A tentative date for the introduction of the revised Ordinance 118 – Roads & Public Rights-of-Way is the August 14 Town meeting. The graduation ceremony for MPT Wilkinson and CMs Almoguera and Kulpa-Eddy, who are completing the training of the Academy for Excellence in Local Governance, is September 15. Pop's Park grand reopening was set for September 7.

**Minutes:** On a motion by MPT Wilkinson and second by CM Dennison, the June 3 worksession minutes were approved 5 to 0. The June 12 Town meeting minutes distributed.

**Department reports:** Mayor Calvo reported that the man arrested for committing a series of burglaries in Berwyn Heights and College Park Estates 2 years ago, Travis Isreal of Seat Pleasant, was sentenced to 20 years in prison. The Police Department picked up the new police vehicle from the dealer and is in the process of outfitting it. MPT Wilkinson reported that he has not yet received an announcement about the Safe Routes to School grant, which was due at the end of June. Further, the street sweeper will be in Town July 8 – 20, and electronics recycling is on July 27. CM Almoguera reported that the demolition of the old playground is complete and grading and leveling is in the planning stage. CM Dennison reported that the Volunteer Appreciation dinner was well attended and went very well.

**Citizen comments:** Mayor Calvo received many comments regarding parties, which raised the issue of the police needing to take decibel readings as a matter of course and transmitting them to the Code Department for follow-up. He also had a comment from a new resident and home owner about a zoning issue with a shed built on a property without proper permits 20 years ago. The issue may come before the Council at the next worksession. Mayor Calvo received a number of comments on Pop's Park construction. It may be useful to put a notice at the park to inform residents about playground plans. CM Almoguera said there already is a notice posted. She received a heartfelt commendation for Public Works staff picking up large quantities of bulk trash on tipping day.

MPT Wilkinson noted that Public Works picked up in excess of 10 tons of bulk trash on tipping day. Further, he received comments about trash not being picked up the day following tipping day. Trash pickup was dropped for the south side of Town because Public Works had picked up trash for the entire Town on tipping day. Wilkinson also received a comment about a dog that ran away from a Paxton Court family that will soon move away. Mayor Calvo said that the dog, Lucky, was returned to the owner through a Facebook notice.

**MML wrap-up:** Mayor Calvo said he spent much of his time talking with other municipal leaders and state and local officials. He learned that the Prince George's County Municipal Association (PGCMA) Chair Ike Trough and Vice Chair Emmett Jordan requested County Executive Rushern Baker to postpone a \$.50/ton increase in the landfill tipping fee, which Prince George's County adopted at the close of the last fiscal year. The increase would translate into a \$5,000 to \$6,000 cost increase for Berwyn Heights in FY 2014 that was not budgeted. He also had a conversation with County Executive Baker about school issues, and was told that the appointment of a new PGCPD superintendent was imminent.

Mayor Calvo spoke with officials from Riverdale Park and University Park, who expressed interest in the idea to create a parks district to market their park resources in the context of the Anacostia Trails Heritage Area (ATHA). They updated him on the Cafritz development and the trolley hiker/ biker trail, which will go from Capitol Park to Franklin's restaurant in Hyattsville. He also had the opportunity to announce the creation of the PGCMA's education fund, which was well received. However, he was unable to find out about what will happen with Highway User Revenues after this fiscal year. Unless something is done at the State level, HUR may go down almost nothing in FY 2015.

MPT Wilkinson said that he and deputy mayors from neighboring towns formed the informal association of mayor pro tems, vice mayors and deputy mayors (IAMPTVMDM). Since then, he has worked with the MML to try to identify all the deputy mayors in Maryland. The first order of business was to clarify how this position is defined in different municipalities and what a deputy's responsibilities are. He also attended a session on blighted properties, the meeting of Public Works directors, a presentation on Maryland's economic outlook, and the small towns forum. At the small towns forum, speed camera legislation was raised but septic regulations were adopted as a legislative action request. He thought that a more proactive stance needs to be taken to prevent a roll back of speed camera authority.

CM Almoguera reported she attended a number of classes, the most interesting of which were workshops on community development, environmental regulation and storm water management. With this conference, CM Almoguera completed all her Academy course requirements and will graduate this September. CM Dennison represented Berwyn Heights in the parade of flags. She attended a class on incident command, the small towns discussion forum and women in government summit. Mayor Calvo noted that, in the parade of flags, Berwyn Heights was introduced as the "6th Oldest Municipality in Prince George's County." He thought that a better tag line could be found to describe the Town, and suggested something related to "the small town in a big city."

**Four Cities agenda:** The Council identified the following items for the upcoming Four Cities agenda: development updates, marketing of Berwyn Heights and its middle schools. Under middle schools, the PGCMA's new educational fund, focused on supporting middle schools, will be discussed.

At 8:13 p.m., the Council took a 5 minute break.

**McDonald's improvements:** Mayor Calvo said that he met with Attorney Daniel Lynch, who represents McDonald's in the approval process for renovating the Berwyn Heights McDonald's restaurant. The plan is to modernize and reconfigure the building to better serve the drive-through clientele, which makes up the largest share of the customer base. McDonald's prefers to rebuild, but may not get permission to do so because of new storm water management regulations. The proposed site calls for a building that is longer front to back, but narrower, and closer to Greenbelt Road. As the property is too small to accommodate a storm water retention pond, an exception from the County to mitigate storm water elsewhere is being sought. Without an exception, the existing building will be renovated as best as possible.

Mayor Calvo told Mr. Lynch that Berwyn Heights' biggest concerns are noise complaints from early morning trash pickups and pedestrian safety issues. Current people from Town walking to the McDonald's have to cross the drive-through lanes and a busy parking lot. He asked if it is possible to build a sidewalk along 63rd Avenue. Mr. Lynch replied that McDonald's would probably consider a sidewalk if it does not make it harder to meet storm water management regulations. MPT Wilkinson said, currently, the McDonald's is not welcoming to pedestrians coming from the Town, as there is no crosswalk and no door on the 63rd Avenue side of the restaurant. He also thought a bicycle rack would be a good idea. Mayor Calvo said that McDonald's representatives will make a presentation to the Town when the storm water management issue is resolved.

**Ordinance No. 118 – Roads & Rights of Way:** TA Murphy explained that he tried to tighten up the Ordinance by eliminating repetitive phrases and duplicate code. He also revised and standardized definitions, rewrote Section 4 on repair standards, switched the sections on permits and permit applications, and moved the sections dealing with permitted construction.

CM Kulpa-Eddy said that the Ordinance is much easier to follow thanks to the re-organization. But there is still duplicative language that can be eliminated. The

also sections that state a rule using terms that are defined later in the Ordinance. For example, Section 10 – Inspections Required refer to bonds and letters of which are defined in Section 14 – Bonds, Letters of Credit, etc., The definitions may have to be moved up or incorporated into Section 10.

Further, CM Kulpa-Eddy questioned whether the dollar amounts for permit fees and penalties should be in the Ordinance or in a fee and fine resolution. TA M noted that only the minimum and maximum penalties are listed in the Ordinance. The other fees and fines will be set by resolution. CM Kulpa-Eddy further noted Section 1 – Purpose and Authority has not been changed to reflect that the upholding of standards for working in the public right-of-way should be the focus of the Ordinance. However, there is only one section that does not involve a permit, Section 19 – Growth of Foliage. Conceivably, that section could be dropped because the issue is already covered by the Clean Lot Ordinance. The issue of vegetation maintenance by public utilities may have been made moot by an amendment of a law preventing municipalities from imposing standards that increase the costs for public utilities. TA Murphy was asked to get a legal opinion.

Mayor Calvo said, generally, Ordinance 118 is more appropriate for enforcing violations in the public right of way, while the Clean Lot Ordinance deals with violations on private property. He continues to believe that it should be focused on setting standards for activities, including activities not covered by a permit. For example, Section 18 – Clean Streets deals with an activity that does not involve a permit: the depositing of dirt and trash on Town streets and rights-of-way. This could apply to dump trucks tracking around dirt or pickup trucks containing trash that are parked in the street. The provisions dealing with non-permit actions might be combined into a separate standards section. Further, enforcement of these types of violations still need to be resolved. Would a clean street violation be related to the vehicle bringing in dirt or trash and be enforced by the police writing a ticket, or should it be regarded as a municipal infraction.

## 2. ADMINISTRATION

**Bulletin cover:** The following items were approved for the August Bulletin cover: National Night Out theme; headlines for National Night Out and Hello Huskies to-School.

**Open meetings law:** TA Murphy informed that the State's Attorney's office is requiring each public entity to designate a member, officer or employee to receive training on the Open Meetings Act, effective October 1, 2013. The Town would also have to provide a list of the designees to the Open Meetings Compliance Board. The Council may want to designate staff to take the training.

Mayor Calvo said that there may be some new rules and stricter penalties for violations of the law. The State probably wants to make sure that public entities are aware of them. Clerk Harper may be the best person to attend the training class but anyone can take the online class offered. CM Kulpa-Eddy provided additional information about the Open Meetings legislation that necessitates the training.

Nothing was discussed under **3. Code Compliance.**

## 4. PARKS AND RECREATION

**BHHC appointment:** CM Dennison said that the Berwyn Heights Historical Committee (BHHC) has requested that the Council appoint Madeleine Allen as a member. Ms. Allen has attended recent events and meetings and wants to join as a full member. CM Dennison moved to appoint her. MPT Wilkinson seconded. The motion passed 5 to 0.

## 5. PUBLIC SAFETY

**School zones:** Mayor Calvo said that he had an opportunity to talk to Town Attorney Shay about this issue at the MML conference. He explained to him that this was about speed camera enforcement but about designating a school zone and setting hours for the school zone speed limit. Attorney Shay agreed that a resolution would be sufficient to do that. During the last work sessions the Council decided to extend the school hours to start at 7 a.m. and to end at 6 p.m. to cover the times when students, including middle and high school students, are on their way to school and returning home. The Council also agreed to add the 8600 block of 63rd Avenue as a school zone.

TA Murphy asked if the Council would want to post "photo enforced" signs in that block, so that the speed camera could be moved there as well. Mayor Calvo thought that this might trigger a public notice requirement because it involves the Speed Camera Ordinance. He suggested not to include that in the same resolution adopted at the July Town meeting. There were no objections.

Nothing was discussed under **6. Public Works.**

## 7. EXECUTIVE SESSION (9:13 P.M. – 10:12 P.M.)

MPT Wilkinson moved and CM Dennison seconded to go into executive session on a personnel matter. With the matter discussed, MPT Wilkinson moved and CM Dennison seconded to end the executive session.

The meeting was adjourned at 10:13 p.m.

Signed: Kerstin Harper, Town Clerk

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